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**FAX TRANSMISSION**

DATE: September 30, 2005

TO: Commissioner for Patents  
Attn: Office of OIPE Filing Receipt Correction  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: David M. Crompton  
OUR REF: 1001.1765101  
TELEPHONE: (612) 667-9050

Total pages, including cover letter: 7

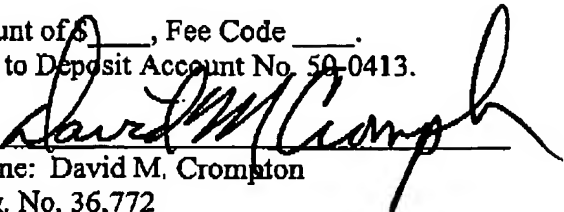
**PTO FAX NUMBER: 571-273-8300**

If you do NOT receive all of the pages, please telephone us at (612) 677-9050, or fax us at (612) 359-9349.

Title of Document(s) Transmitted: REQUEST FOR CORRECTED FILING RECEIPT,  
COPY OF FILING RECEIPT, AND COPY OF  
COMBINED DECLARATION AND POWER OF  
ATTORNEY

Applicant: Huey Quoc Chan et al.  
Serial No.: 10/791,008  
Filed: March 2, 2004  
Group Art Unit: 3763  
Our Ref. No.: 1001.1765101  
Confirmation No.: 1275  
Customer No.: 28075

Please charge Deposit Account No. 50-0413 in the amount of \$\_\_\_\_, Fee Code \_\_\_\_.  
Please charge any additional fees or credit overpayment to Deposit Account No. 50-0413.

By:   
Name: David M. Crompton  
Reg. No. 36,772

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Name: Kathleen L. Boekley

September 30, 2005  
Date


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Huey Quoc Chan et al. Confirmation No.: 1275  
Serial No.: 10/791,008 Examiner: M. Mendez  
Filing Date: March 2, 2004 Group Art Unit: 3763  
Docket No.: 1001.1765101 Customer No.: 28075  
For: OCCLUSION BALLOON CATHETER WITH EXTERNAL INFLATION LUMEN  
Office of OIPE Filing Receipt Corrections  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**

<b>CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))</b>	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at <u>571-273-8300</u> on the date shown below.	
_____ Kathleen L. Boekley Type or print name of person signing certification	
 _____ Signature	_____ September 30, 2005 Date

Sir:

Attached is a copy of the official Filing Receipt received with regard to the above application for which issuance of a corrected Filing Receipt is respectfully requested. A copy of the originally executed Combined Declaration and Power of Attorney is also attached.

Applicant requests correction of the name of Inventor Lim to read as follows:

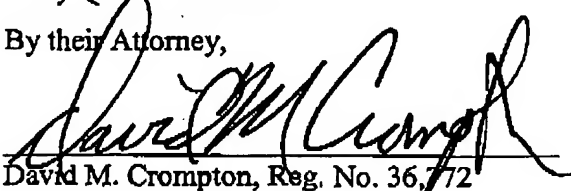
ELAINE LIM (emphasis added)

The requested correction is not due to any error by Applicants and no fee is due. Applicants respectfully request correction of this error and issuance of a corrected Filing Receipt in due course.

Respectfully submitted,

Huey Quoc Chan et al.

By their Attorney,

Date: 9/30/05

\_\_\_\_\_  
David M. Crompton, Reg. No. 36,772  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
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Page 1 of 2

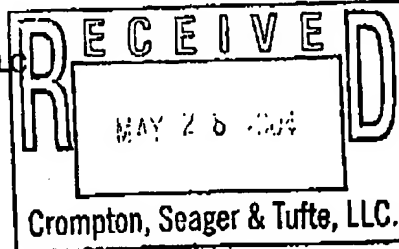


UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/791,008	03/02/2004	3763	860	1001.1765101	4	25	3

28075  
CROMPTON, SEAGER & TUFTE, LLC  
1221 NICOLLET AVENUE  
SUITE 800  
MINNEAPOLIS, MN 55403-2420



CONFIRMATION NO. 1275

FILING RECEIPT



\*OC000000012763781\*

Date Mailed: 05/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Huey Quoc Chan, San Jose, CA;  
Stephen Griffin, San Jose, CA;  
Eric Lim, Fremont, CA;

**ELAINE**

Assignment For Published Patent Application

SciMed Life Systems, Inc.;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2004

Projected Publication Date: 09/08/2005

Non-Publication Request: No

Early Publication Request: No

Title

Occlusion balloon catheter with external inflation lumen

SEP 30 2005

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**COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled OCCLUSION BALLOON CATHETER WITH EXTERNAL INFLATION LUMEN, the specification of which (check one):

☒ is attached hereto

☐ was filed on  
as U.S. Application  
Serial No.

☐ and was amended on (if  
applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**Prior Foreign Application(s)**

Number :  
Country :  
Day/Month/Year Filed :  
Priority (yes/no) :

Number :  
Country :  
Day/Month/Year Filed :  
Priority (yes/no) :

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States

1001.1763101

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provisional application(s) as listed below:

Provisional Application No. :

Filing Date :

Provisional Application No. :

Filing Date :

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international applications designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 and that which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. :

Filing Date :

Status (patented, pending, abandoned) :

Application Serial No. :

Filing Date :

Status (patented, pending, abandoned) :

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David M. Crompton, Reg. No. 36,772;  
 Glenn M. Seager, Reg. No. 36,926;  
 Brian N. Tufts, Reg. No. 38,638;  
 J. Scot Wickhem, Reg. No. 41,376;  
 John Shudy, Jr., Reg. No. 31,214;  
 Mark R. Schroeder, Reg. No. 53,566;  
 James G. Rodgers, Reg. No. 48,306;  
 Brian C. Whipps, Reg. No. 43,261;  
 Michael J. McGrath, Reg. No. 48,402;  
 Michael F. Reinhardt, Reg. No. 47,896;  
 Kevin C. Harrison, Reg. No. 46,759;  
 Nancy J. Parsons, Reg. No. 40,364;  
 Luke Dohmen, Reg. No. 36,783;  
 Peter J. Gafner, Reg. No. 36,517;  
 Todd P. Messal, Reg. No. 42,883;  
 Albert K. Kau, Reg. No. 40,672;  
 Steven A. McAuley, Reg. No. 46,084;  
 James R. Chiapetta, Reg. No. 39,634;  
 Robert M. Rauker, Reg. No. 40,782;

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Kurt Lockwood, Reg. No. 40,704;  
Scott T. Bluni, Reg. No. 40,916; and  
William J. Shaw, Reg. No. 43,111.

Send correspondence to:

David M. Crompton, Customer No. 28075

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor: Huey Quoc Chan

Residence: San Jose, California

Citizenship: US

Post Office Address: 1784 Lochness Way, San Jose, California 95121

Inventor's Signature

*Huey Chan*

Date 3/2/04

Full name of second or joint inventor: Stephen Griffin

Residence: San Jose, California

Citizenship: Ireland

Post Office Address: 589 Curie Drive, San Jose, California 95123

Inventor's Signature

*Stephen Griffin*

Date 3/2/04

Full name of third or joint inventor: Elaine Lim

Residence: Fremont, California

Citizenship: US

Post Office Address: 5493 Reseda Circle, Fremont, California 94538

Inventor's Signature

*Elaine Lim*

Date 3/2/04

COPY

## § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claims patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

[42 FR 5593, Jan. 28, 1997; paras. (d) & (e) – (i), 47 FR 21751, May 19, 1982, effective July 1, 1982; para. (c), 48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; paras. (b) and (j), 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; paras. (d) and (h), 50 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; para. (e), 53 FR 47808, Nov. 28, 1988, effective Jan. 1, 1989; 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; para. (e) added, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

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